

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Creation of a)	MM Docket No. 99-25
Low Power Radio Service)	
)	

COMMENTS OF
THE JOINT CENTER FOR POLITICAL AND ECONOMIC STUDIES

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I. INTRODUCTION AND SUMMARY

Low Power FM (“LPFM”) service is critical to ensuring that local communities benefit from local programming. We applaud the Commission for continuing to promote LPFM service and for recognizing the significant advantages LPFM service will provide for underrepresented groups. The expansion of LPFM service to both urban and very rural areas may increase the number of minority-owned radio stations within these communities and encourage civic discourse among minority groups. We urge the Commission to adopt less restrictive eligibility rules to ensure that rural and urban areas enjoy the benefits of LPFM services.

II. THE COMMISSION SHOULD RETAIN LP100 CLASS OF SERVICE OR A FLEXIBLE SUB-WATT CLASS OF SERVICE AND PERMIT LP250 STATIONS TO ENSURE THAT BOTH URBAN AND RURAL AREAS MAY CONTINUE TO BENEFIT FROM LPFM STATIONS.

Initially, the Commission created two classes of LPFM services – LP100 and LP10 classes. While the Commission issued licenses for LP100 service, the Commission has yet to issue licenses for LP10 service. For this reason, the Commission seeks comment on “whether to eliminate the LP10 class of service.”¹

The Commission recognizes that LPFM stations provide opportunities for “new voices on the airwaves” and allow local groups to provide programming to meet local community needs and interests.² Chairman Genachowski stated that expanding LPFM service to both rural and urban areas will better serve underrepresented areas to advance traditional goals of localism and diversity.³

¹ *Fifth Report and Order* at 20.

² Steve Waldman and the Working Group on Information Needs of Communities, Federal Communications Commission, *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age* (July 2011), <http://www.fcc.gov/info-needs-communities#download> at 184.

³ *Creation of a Low Power Radio Service*, Third Further Notice of Proposed Rule Making, MM Docket No. 99-25 (2011), http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0712/FCC-11-105A1.pdf at 25 (“*Third Further Notice*”).

In showing the Commission's dedication to expanding LPFM service to urban areas, Chairman Genachowski stated that this would create new opportunities for business and job creation.⁴ Additionally, former Commissioner Copps recognized that the benefits of LPFM service include "local coverage, viewpoint diversity, minority – and female- ownership, and strengthened civic engagement."⁵

The Joint Center commends the Commission for acknowledging the advantages LPFM services will provide both rural and urban areas, particularly with respect to media ownership and civic discussion. Historically, minority ownership of communications media has been unacceptably low. According to a 2007 study by Free Press, minorities own about 7.7% of all full-power, commercial broadcast radio stations (of which about 3.4% are owned by African-Americans and about 2.9% are owned by Hispanics or Latinos).⁶ Furthermore, the study found that "minority-owned stations are more likely to be locally owned than non-minority-owned stations in larger markets (which have bigger minority populations)."⁷ The study also discovered that of all radio stations, 43% of minority-owned stations are locally owned.⁸ A 2009 study indicated that minorities controlled 7.24% of ownership of full-power commercial radio stations, though they account for about 34% of the U.S. population.⁹

During economic hardships, communities of color often experience the most adversity. For example, a youth radio show in Arizona, known as *El Break*, addressed many issues within Latino-

⁴ *Third Further Notice*, http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0712/FCC-11-105A1.pdf at 25.

⁵ *Id.* at 27.

⁶ Free Press, *Off the Dial: Female and Minority Radio Station Ownership in the United States* (June 2007) ("*Free Press Study*"), http://www.freepress.net/files/off_the_dial.pdf at 4.

⁷ *Id.* at 6.

⁸ *Id.*

⁹ Catherine J.K. Sandoval, *Minority Commercial Radio Ownership in 2009: FCC Licensing and Consolidation Policies, Entry Windows, and the Nexus Between Ownership, Diversity, and Service in the Public Interest* (Nov. 2009), <http://www.radiodailynews.com/mmtcreport.pdf> at 5.

American culture such as immigration reform, teen pregnancy, and college scholarships for undocumented students.¹⁰ However, the show went off the air due to the station's financial hardships.¹¹ Ultimately, the show's producer and a coalition of immigration rights groups formed a community radio station to host the show and provide similar programming for the community.¹²

A 2008 United States Government Accountability Office study identified three primary barriers that prevent increased levels of media ownership for minorities and women, including a lack of easy access to sufficient capital for financing the purchases of stations.¹³ The financial viability of LPFM services may lessen the minority v. non-minority media ownership disparity in the United States by giving rise to many more minority-owned, LPFM radio stations in urban and rural areas.

Additionally, increased LPFM stations will provide stations with more opportunities to host shows similar to *El Break* to address issues unique to particular communities. Further, LPFM radio stations' presence in urban and rural areas will allow African Americans and Latino-Americans to engage in critical discussions of the hardships faced by communities such as unemployment and health issues. Therefore, the Joint Center urges the Commission to retain LP10 service (or a flexible sub-watt class of service) and issue LP250 licenses to ensure that both urban and rural areas benefit from LPFM service.

¹⁰ Mike Ludwig, Community Radio Poised for a Big Comeback as Activists Free the Airwaves, Truthout, Apr. 17, 2012.

¹¹ *Id.*

¹² *Id.*

¹³ United States Government Accountability Office, *Media Ownership: Economic Factors Influence the Number of Media Outlets in Local Markets, While Ownership by Minorities and Women Appears Limited is Difficult to Assess* (Mar. 2008), <http://www.gao.gov/assets/280/273671.pdf> at 21. The other two barriers are (1) the large scale of ownership in media industry and (2) the repeal of the tax certificate program, which provided financial incentives for incumbents to sell stations to minorities.

III. THE COMMISSION SHOULD ADOPT LESS RESTRICTIVE LPFM ELIGIBILITY CRITERIA.

The Commission seeks advice on whether to revise the “established community presence” definition for LPFM applicants. Additionally, the Commission seeks comment on whether to place greater emphasis on the local program origination criterion. The Joint Center urges the Commission to ensure that its eligibility requirements are reasonable but not so restrictive that the requirements deter suitable applicants.

A. The Commission Should Retain the Two-Year Established Community Presence Requirement But Also Award Additional Points to Applicants That Have Surpassed This Minimum Requirement.

Currently, the Commission deems that an applicant has established community presence if the applicant “has been headquarted, has maintained a campus or has had three-quarters of its board members residing within ten miles of the proposed station’s transmitter site” *for at least two years* prior to application filing.¹⁴ The Commission is considering expanding the time period of applicants’ community presence to four years.¹⁵

While the Joint Center supports the Commission’s intent to ensure that LPFM licensees are well versed in the local interests of the communities they seek to serve, the Joint Center warns the Commission that adopting a longer time period of community presence may be more detrimental than beneficial to local communities. The Joint Center agrees with the potential drawback identified by the Commission. If the Commission adopts a longer time period for community presence, this change may limit the pool of organizations and shut out suitable applicants. The Commission’s intent to “favor organizations that have been operating in the communities where they propose to construct an LPFM station and thus have ‘track records’ of

¹⁴ *Fourth Further Notice* at 24.

¹⁵ *Id.*

community-service and established constituencies in their communities is commendable. However, the Commission should consider other possibilities for assessing a suitable candidate. While some applicants that have lived in a particular community longer than other applicants may be more attuned to local interests, other applicants may display their commitment to learning about local interests to meet local needs (*i.e.*, surveying community members to seek feedback on issues that are important to the community). Therefore, the Joint Center encourages the Commission to maintain the two-year community presence requirement but also award points to those applicants that have demonstrated their established roots within their community.

B. The Commission Should Place Greater Emphasis on the Local Program Origination Criterion by Awarding Two Points Instead of One Point to Applicants.

The Commission proposes placing a greater emphasis on the local program origination selection factor by awarding two points, instead of one point, to applicants that commit to originate eight hours of programming daily.¹⁶

The issuance of new LPFM licenses may potentially give rise to more minority-owned community radio stations, but the relationship between minority ownership and local programming is not always clear cut. A 2011 study, *Radio Station Ownership Structure and the Provision of Programming to Minority Audiences: Evidence from 2005-2009*, found that most minority-owned stations broadcast in formats that appeal disproportionately to minorities, but that “minority listeners prefer programming in different formats.”¹⁷ Thus, the presence of minority-owned stations in areas

¹⁶ *Fourth Further Notice* at 26.

¹⁷ Joel Waldfogel, *Radio Station Ownership Structure and the Provision of Programming to Minority Audiences: Evidence from 2005-2009* (July 18, 2011) (noting that Urban, along with three more formats—religion, Contemporary Hit Radio, and Adult Contemporary—account for 84% of black listening and that three quarters of minority-owned stations were in formats that have proportionally large minority audiences.). http://ftp.fcc.gov/pub/Daily_Releases/Daily_Business/2011/db0727/DOC-308591A1.pdf at 10

where minorities reside does not necessarily ensure an increase in the availability of local programming.¹⁸ This indicates that, without additional incentives, an increase in minority-owned community radio stations in areas where minorities reside may not necessarily increase local program origination. Thus, the Joint Center encourages the Commission to place greater emphasis on local program origination to encourage discourse on local issues that affect communities of color.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ralph B. Everett', with a long horizontal stroke extending to the right.

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¹⁸ *Id.* at 9-10.